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Attorneys for UBS AG, London Branch

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA — NORTHERN DIVISION

In re:

HVI CAT CANYON, INC.,

Debtor.

Case No. 9:19-bk-11573-MB

Chapter 11

**UBS AG, LONDON BRANCH'S
STATEMENT IN SUPPORT OF
TRUSTEE'S MOTION FOR ORDER
EXTENDING THE TIME WITHIN
WHICH TO ASSUME OR REJECT ANY
AND ALL UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY
[DOCKET NO. 502]**

Hearing

Date: November 21, 2019

Time: 2:30 p.m.

Place: Courtroom 201

1415 State Street

Santa Barbara, California 93101

1 UBS AG, London Branch (“UBS”) respectfully submits this statement in support of the
2 Trustee’s Motion For Order Extending The Time Within Which To Assume Or Reject Any And
3 All Unexpired Leases Of Nonresidential Real Property filed on November 14, 2019 [Docket No.
4 502] (the “Motion”).

5 UBS supports the Motion. The Trustee’s recent arrival amply supports extension of his
6 time to make elections on executory leases. UBS echoes the Trustee’s assertion in the Motion that
7 nothing in the Motion is or should be construed as an admission that any lease or contract of the
8 estate qualifies as an “executory contract” governed by 11 U.S.C. § 365. See Motion at 4, n.1.
9 UBS reserves all rights to dispute the characterization of any such lease or contract as executory
10 or otherwise subject to Section 365.

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12
13 Dated: November 20, 2019

Respectfully submitted,

O’MELVENY & MYERS LLP

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15 /s/ Darren L. Patrick

16 Darren L. Patrick
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19 *Attorneys for UBS AG, London Branch*
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PROOF OF SERVICE OF DOCUMENT

I am over the age of eighteen and not a party to this bankruptcy case or adversary proceeding. My business address is **400 South Hope Street, Los Angeles, California 90071-2899**.

A true and correct copy of the foregoing document entitled **UBS AG, LONDON BRANCH'S STATEMENT IN SUPPORT OF TRUSTEE'S MOTION FOR ORDER EXTENDING THE TIME WITHIN WHICH TO ASSUME OR REJECT ANY AND ALL UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):

Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **11/20/2019**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

- William C Beall will@beallandburkhardt.com, carissa@beallandburkhardt.com
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- 28

1 **III. SERVED BY PERSONAL DELIVERY:**

2 Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **11/20/2019** I served the following
3 person(s) and/or entity(ies) by personal delivery, overnight mail service, or (for those who
4 consented in writing to such service method), by facsimile transmission and/or email as
follows. Listing the judge here constitutes a declaration that personal delivery on the judge
will be completed no later than 24 hours after the document is filed.

5 **JUDGE:**

6 Hon. Martin R. Barash
7 United States Bankruptcy Court
8 Central District of California
9 21041 Burbank Boulevard, Suite 342
Courtroom 303
Woodland Hills, 91367

10 I declare under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct.

11 Executed this 20th day of November, 2019, at Los Angeles, California.

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14 /s/ Darren L. Patrick
Darren L. Patrick
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